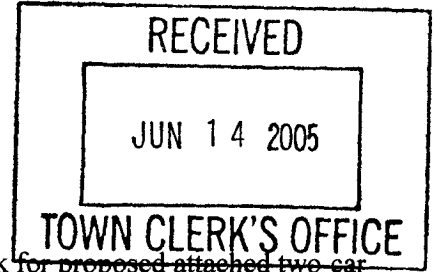




CC: BUILDING DEPT. ☐  
TOWN CLERK ☐

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**Regular Session - MAY 23, 2005**  
**AGENDA**

7:30 p.m. – Roll Call



Motion to accept minutes of MAY 9, 2005 meeting as written.

**PRELIMINARY MEETINGS:**

1. **ROBERT STUETZLE (05-23)** Request for 27 ft. Rear Yard Setback for proposed attached two-car garage on a corner lot at 69 Blooming Grove Tpk. in an R-4 Zone **(48-1-15)**

2. **VERNON COUSER (05-27)** Request for:

7 ft. Rear Yard Setback for existing carport (300-11A1b) and;  
Existing Accessory Bldg projects closer to street than principal bldg (300-11-A3)and;  
Existing 6 ft. fence projecting between front of principal building and street(300-11,CIC).

All at 93 Silver Spring Road in an R-4 Zone **(20-2-9)**

3. **ELIZABETH FODROWSKI (for Marian McGhee) (05-28)** Request for a Use Variance to permit two one-family dwellings on one lot at 504 Riley Road on an R-3 Zone **(32-2-41.2)**

**PUBLIC HEARINGS:**

4. **PAUL ETESS (05-19)** Request for 5' 6" Side Yard Setback for existing screen porch at 4 Lannis Avenue in an R-4 Zone **(42-1-7)**
5. **CATHERINE PERAINO (05-20)** Request for 17' Rear Yard Setback for existing addition at 275 Lake Road in an R-4 Zone **(58-1-5)**
6. **THERESA SWEENEY (05-21)** Request for 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (each side) for proposed single family dwelling at 693 Mt. Airy Road in an R-3 Zone **(85-1-1)**

7. **ANGELA ODDO (05-22)** Request for:

5 ft. Rear Yard Setback for existing pool deck and;  
17 ft. Side Yard Setback for existing house deck and;  
7 ft. Side Yard Setback and 6 ft. Rear Yard Setback for existing shed;

All at 2 Mitchell Lane in an R-4 Zone **(6-4-2)**

8. **RUSSELL & MARGARET KAVANA (05-18)** Request to permit 6 ft. fence to be located between the house and the street (300-11-C.1c) at 7 Provost Drive in an R-4 Zone **(49-4-12)**
9. **MICHAEL MIELE (05-16)** Request for: (R-3 Bulk Tables)

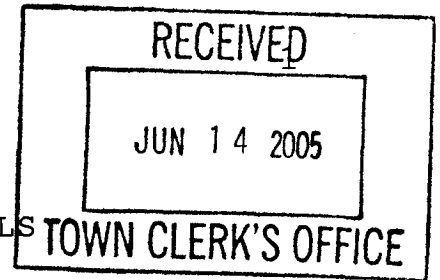
44,411 s.f. Minimum Lot Area;                      75 ft. Lot Width;  
22 ft. and 8 ft. Side Yard Setback;                      30 ft. Total Side Yard

For proposed single family home at 46 Riley Road in an R-3 Zone **(67-4-4.1)**

May 23, 2005

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

May 23, 2005



MEMBERS PRESENT:      MICHAEL KANE, CHAIRMAN  
                         MICHAEL REIS  
                         KATHLEEN LOCEY  
                         KIMBERLY GANN  
                         HOWARD BROWN

ALSO PRESENT:          MICHAEL BABCOCK  
                         BUILDING INSPECTOR  
  
                         MYRA MASON  
                         PLANNING BOARD SECRETARY  
  
                         ANDREW KRIEGER, ESQ.  
                         ZONING BOARD ATTORNEY

ABSENT:                  LEN MC DONALD  
  
                         STEPHAN RIVERA

REGULAR MEETING

MR. KANE: I'd like to call to order the May 23, 2005 meeting of the New Windsor Zoning Board.

APPROVAL OF MINUTES DATED 5/9/05

MR. KANE: Motion to approve the minutes dated May 9, 2005.

MS. GANN: I'll make a motion to approve the minutes.

MR. REIS: Second it.

ROLL CALL

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MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

ROBERT STUETZLE (05-23)

MR. KANE: In New Windsor for everybody that's here getting zoning a variance is a two step process. We have a preliminary meeting so that we can get an idea of what you want to do and you get an idea of what we need from you. Some towns you walk in cold, you don't have it, you don't get it so you'll explain everything to us here then we'll repeat the thing in a public hearing which we have to do by law to make sure of our decision. So proceed to tell us what you want to do.

MR. STUETZLE: We have a one car garage, take it down and replace it with a two car garage. My understanding it's a corner lot, I need the footage to my neighbor behind me actually not in front of the house where the road is, that's, I don't know if I'm confusing that or I'm on the corner of Nee and Blooming Grove Turnpike and my garage is actually on the back of the yard but they said I needed 50 feet from my neighbor next to me.

MR. KANE: Fifty feet.

MR. BABCOCK: Fifty feet in today's code.

MR. KANE: Okay, what size is the garage going to be, sir?

MR. STUETZLE: 28 by 28.

MR. KANE: Cutting down any trees substantial vegetation in the building of the garage?

MR. STUETZLE: One tree that we'll be taking down.

MR. KANE: Creating any water hazards or runoffs?

MR. STUETZLE: No

MR. KANE: Any easements in that particular area?

MR. STUETZLE: Not to my knowledge.

MR. KANE: Will the addition of the garage change the character of the neighborhood? House going to be overly big compared to the other homes?

MR. STUETZLE: No, actually be very small.

MR. KANE: Being on the corner lot it's not going to infringe on the visibility of the street?

MR. STUETZLE: No.

MR. KANE: Go passed the house, does it?

MR. BABCOCK: It doesn't project out any further than the old garage.

MR. KANE: See that, thank you, Mike. Height of the garage, going to be maintaining that?

MR. STUETZLE: Yeah, it's going to be, it will probably be a little bit higher than that, about two feet, it's going to match exactly with my existing house, it's going above.

MR. KANE: Not going above any other homes in the neighborhood?

MR. STUETZLE: No, ours is probably the lowest in the neighborhood.

MR. KANE: Okay. Reason for adding the second garage?

MR. STUETZLE: We need a two car garage and the original one car garage is in poor repair, it's really not built properly.

MR. KANE: Going to be redoing the whole garage?

MR. STUETZLE: The entire one car garage and put up a whole new garage, complete new structure.

MS. GANN: It will be attached to the home.

MR. STUETZLE: It's semi attached, it's the existing house is there and basically just goes right alongside it and the siding and that just attaches so it's not, it's still self structure, it's going to have its own footings, everything, not going to be part of the house but it will look like it is because the roof line goes to it.

MR. KANE: Any other questions?

MR. REIS: No, I'm good.

MR. KANE: Accept a motion.

MR. REIS: I make a motion that we set Mr. Robert Stuetzle up for his requested 27-foot rear yard setback for proposed two car garage on a corner lot at 69 Blooming Grove Turnpike.

MS. GANN: Second it.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

MR. KANE: We set you up for a public hearing, come back and repeat the process, we have the pictures we need and the information we need so there's nothing extra that I see, just follow the directions.

MR. STUETZLE: Thank you very much.

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VERNON COUSER (05-27)

MR. KANE: Request for 7 ft. rear yard setback for existing carport and existing accessory building projecting closer to street than principal building and existing 6 ft. fence projecting between front of principal building and street.

Mr. and Mrs. Couser appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MRS. COUSER: We already have an existing garage prior to our purchase of the home, we purchased the house in '84, the town claims they picked up the garage in '95, okay, here's my survey without, you already have it along with all my other proofs and documentation as far as the garage and the canopy is concerned, it's been there prior to us, we don't, you know, I foresee that there should have been a problem when we originally bought the house, if the town didn't pick it up until '95 unfortunately, I'm sorry.

MR. KANE: It's also not always the towns that drive us, it's the banks, so some banks would look at it, some banks won't, that's where they get in touch with the town, give a notice so it's not always the town going out and looking for these things.

MRS. COUSER: I have a lot of documentation that I gave to Myra, the six-foot fence to there was on the back part of the property to continue with that wire fence, it wasn't, it was an old dangerous fence, it was like chicken wire so it basically was dangerous to our children, other children, we had a dog at the time so we replaced it with the vinyl fence in the back and tried to bring up the value of the property also.

MR. KANE: Well, as far as the carport existence before you purchased the house any complaints formally or informally about the carport?

MRS. COUSER: Never.

MR. KANE: To your knowledge?

MRS. COUSER: Carport or garage never.

MR. KANE: Cutting down any trees or substantial

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vegetation that you know of at the time? Creating any water hazards or runoffs, nothing along those lines?

MRS. COUSER: No.

MR. KANE: You have been there for the last 20 years?

MRS. COUSER: Yes.

MR. REIS: What prompted you to come before us?

MRS. COUSER: All of sudden when we're going to go refinance there were no problems but I brought it up to the town basically because all of a sudden they're saying that the garage wasn't there but it seems like so let's put it this way, instead of us dying and letting our kids handle it, we figured we'd take care of it.

MR. KANE: The banks are getting very tough with doing that, even when I went through my refinancing they told me I had an illegal building on my property, it turned out to be a dog house, picked it up, threw it in the shed. I wasn't giving him another 75 bucks but that's the bank's doing, that's why.

MRS. COUSER: They didn't catch it, there was no problems, everything went through but we find out that that's the problem so we figured let's do it now rather than the kids having a problem later on.

MR. KANE: Obviously, it would be a financial difficulty to move, relocate the garage and the carport?

MRS. COUSER: I would think so, right now we can't tear it down, he hangs out in the garage, I hang out in the house, that's out of the question, 27 years, it works.

MR. BABCOCK: I just want to make one comment on the survey, if you look at that, he has three front yards so there's nowhere that he could build a garage on his property without being here.

MR. KANE: Yeah, I saw that. Okay, any further questions on the garage or the carport?

MS. GANN: No.

MR. KANE: To the fence then, fence is there for safety



reasons, does not block the view of any traffic?

MRS. COUSER: No.

MR. KANE: Could you do me a favor and just provide some pictures from across the street on each corner, just look at the fence so that we can see them for the records. We need a nice shot of the street showing the fence.

MR. KRIEGER: What he's getting at if you were a motorist, the view.

MRS. COUSER: It's in the back part of the house.

MR. KANE: Need one from the street as if you were a motorist looking at it so it's in the record and they can see that picture.

MRS. COUSER: That's easy enough.

MR. KANE: The fence itself is similar to other fences in the neighborhood?

MR. COUSER: Ours is.

MR. KANE: With the building of the fence, cutting down any trees, substantial shrubbery, vegetation?

MRS. COUSER: No.

MR. KANE: Create any water hazards or runoffs?

MRS. COUSER: No.

MR. KANE: Did the fence itself have a permit, Mike, previous or there was no permit ever on either?

MR. BABCOCK: No.

MR. KANE: Any complaints about the fence formally or informally?

MRS. COUSER: Yeah, they love it, brought up the value of the neighborhood.

MR. KANE: Any further questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Vernon

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Couser for a public hearing for his request for the seven-foot rear yard setback from existing carport and existing accessory building that projects closer to the street than the principal building and the existing six-foot fence projecting between the front of the principal building and the street all at 93 Silver Springs Road in an R-4 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

ELIZABETH FODROWSKI (05-28)

MR. KANE: Request for a use variance to permit two one-family dwellings on one lot at 504 Riley Road.

Mr. and Mrs. Fodrowski and Ms. Tracy Fierro appeared before the board for this proposal.

MS. FIERRO: I'm the daughter, Tracy, this is my mother, Elizabeth and Eddy Fodrowski, we're trying to do property that would remain in my grandmother's name, we wish to build a single-family house on it. I also brought with me pictures of the property, signatures of our neighbor that new, also the floor plan of how big the house would be, any trees that would come down. The condo that we live in now due to my father's new surgery and Lyme disease the stairs are too much. I took pictures of the stairs in which they have to climb, it's three separate sections of stairs, during the winter, you can't even get down them. We wish to build on my grandmother's property who my mother will be inheriting that property, she wishes to build on for now and that property would remain in my grandmother's name. We wish to build farther back from her original house and with my grandmother's passing we have a signed living will, the house would come down, her house would then be torn down, it would be then remaining single family dwelling on the lot. We only ask that temporarily it becomes a two house dwelling until such time because my grandmother wants to keep her original house she wants to remain in there.

MR. KANE: For a variance it looks like you have everything you need, a use variance is a whole different ball game, there are certain requirements that are state mandated, they have nothing to do with the feeling of this board and what they would want to do, you have to meet those requirements and basically to get a use variance number one you have to prove in dollar and cents that you cannot sell that property for the intended use which is a single-family home at a reasonable return which doesn't mean make money. So it means that if you can prove to us in dollar and cents with a viable authority that you cannot sell the property and the house as a single-family home.

MS. FIERRO: After my parents build a home and turn around and sell it?

MR. KANE: I mean right now before you start anything.

MS. FIERRO: Because the property won't be in my mother's name at all.

MR. KANE: Doesn't matter. It matters that you have to prove that you can't sell it as a single-family home which is impossible to do so, you're knocked down automatically, this is state mandated, has nothing to do with the town rules and then the other line becomes a self-created hardship which depending on what's going on that could be in but I don't see how that would apply, you have to get passed those are the two major points out of the five. Right?

MR. KRIEGER: Yes.

MR. KANE: I just don't understand how that would, how could you prove that to this particular board.

MS. FIERRO: We did try going outside and trying to buy a home without the use of my grandmother's property, unfortunately, my mother can't afford to buy the house outside what it is. When she talked to her bank he wouldn't redo her house loan when she spoke to him, said I would like a house, this condo's too small, it's really not the conditions, he said it would be cheaper for her to get a loan for a house, the payments would be down more, my father could cut down and work and finally retire to get a home versus them redoing the loan but I'm, the amount of money she's allowed to get the loan does not allow her to move out of the condo into a separate house outside of my grandmother's property and that's where she's stuck. Unfortunately, I don't know if there's any legal agreement my mother could enter into to verify that she would not sell the property to get, you know.

MR. KANE: You're getting passed the edge of my knowledge, this is a first for me, I've been doing this for 15 years and I, you know, I don't know if a special permit from the town would work on that. You're really getting, there's not a lot this board can do to vary it, there's two or three things that I'm seeing that's going to knock you right down and I mean we can set you up for the hearing, you have a right to that and to do it but you need to go through a lot of expense for a use variance, totally different than a variance on a property to put up a shed or something like that, use variance is very difficult, extremely difficult and made so by the state.

MS. LOCEY: But have you considered putting an addition onto the existing home?

MRS. FODROWSKI: No, we haven't.

MR. KANE: It's an old home, it needs to be knocked down, right, it may become that, that might be your option, I wish I had better answers for you on this. The only thing I can tell you at this point is that if you wanted to consult a lawyer to see if there's, what he would advise the procedures you can take, I mean, the only thing that comes to me is a special permit from the town that allows that with X amount of time, I don't even know if that's doable. I don't know all the requirements for that.

MR. FODROWSKI: You'd advise us to get a lawyer?

MR. KANE: Talk to him and see what your options are because the use variance is very, very tough, our hands are tied in a lot of ways and unless you can prove it, and the biggest thing is proving that you can't sell the property for a single family home that doesn't mean make a profit, that means a reasonable return, so even if you sell it at a loss, you know, I just don't see how we're going to get around that. So normally we've had other buildings that were old factories in the neighborhood and they'd come out and show us that pulling down this particular thing, raise it and put it up the price was totally different and exorbitant so that was one way of getting round that.

MR. BABCOCK: Look at that, I agree with Kathleen that the new house if they could locate it somewhere near the existing house and connect it with a breezeway of some type so it's attached.

MR. KANE: Then you would have one home.

MR. BABCOCK: Well, they're in an R-3 zone which allows two family homes but their lot's not big enough, they'd have to come back here for area variances which is something they could do.

MR. KANE: This is a different way to go, that doesn't mean it's a yes.

MR. FODROWSKI: If we build a house for argument's sake 15 feet from the existing house and attached it

with a breezeway.

MR. KANE: Then you come in looking first you're allowed to have a second family home.

MR. KRIEGER: Then you have one house.

MR. BABCOCK: One two family.

MR. KANE: The property isn't big enough for that but you can come in for a variance on the property size on that.

MR. KRIEGER: The rules are different for that, the board their hands are not tied like they are with this.

MS. FIERRO: Would you need additional information for that? Is what you have essential for what you would need for request or would you need something else?

MR. KANE: What you are going to do is bring in some--

MR. BABCOCK: They would have to change their application.

MR. KANE: You would just if you don't want to proceed you can just cut right here and you stop, you would go out and probably get your plans for new building, come in front of the zoning board, you'd have to again go to the building department, they'd have to deny you so you'll go with your plans, they'll say it's a two-family house but you don't have enough there, you'd have to put it on, you need to get a variance, they'll deny your permit at that point then you can come back in front of us at some point and make a request for an area variance. So you need to get, design your building and all of that stuff and come back.

MS. FIERRO: And the house with the breezeway and our house.

MR. KANE: You need to emphasize that it's a great idea, I can in no way say that we'll pass it.

MR. KRIEGER: There's no guarantee as to what the result will be but the law being the way it is.

MR. KANE: If you want to remove your application for the use variance and you'll consult, find out everything that you can do and then you'll need to get

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back to the building department with a plan.

PUBLIC HEARINGS:

PAUL ETESS (05-19)

MR. KANE: Request for 5'6" side yard setback for existing screen porch at 4 Lannis Avenue.

Mr. Paul Etess and Mr. Paul Cuomo appeared before the board for this proposal.

MR. KANE: Good evening, Mr. Cuomo, how are you?

MR. CUOMO: We're back here for a public hearing and same story, area variance, Mr. Etess, he has a screen porch that's gone over five foot six.

MR. KANE: How long has the screened porch been in existence?

MR. CUOMO: Since 1999, I'm sorry.

MR. KANE: Cut down any trees, substantial vegetation, create any water hazards or runoffs?

MR. ETESS: No.

MR. KANE: Any complaints formally or informally about the shed?

MR. ETESS: No.

MR. KANE: Does the shed, I mean, the porch, screened-in porch in any way is it similar to other homes?

MR. ETESS: Yes.

MR. KANE: Change the neighborhood?

MR. CUOMO: Not at all.

MR. KANE: Any complaints formally or informally?

MS. GANN: No.

MR. CUOMO: The law got changed in 2002 from a 15-foot setback to 40.

MR. KRIEGER: And you would have been okay.



MR. CUOMO: Well, it would have been close, there still would have been a foot and a half out, would have been a lot closer.

MR. KANE: Anybody have any questions at this point?

MS. LOCEY: No.

MS. GANN: No.

MR. KANE: I'll ask if there's anybody in the audience for this particular hearing? Nobody cares, we'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On May 9, I mailed out 47 envelopes and had no response.

MR. KANE: No other questions?

MR. REIS: You're not going over any utility easements?

MR. ETESS: No.

MR. KRIEGER: Right-of-ways of any kind?

MR. KANE: You're on municipal water and sewer?

MR. ETESS: Yes.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'd like to recommend that we pass Paul Eteess' request for five foot six side yard setback for existing screen porch at 4 Lannis Avenue.

MS. LOCEY: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

CATHERINE PERAINO (05-20)

Ms. Catherine Peraino appeared before the board for this proposal.

MR. KANE: Request for 17 foot rear yard setback for existing addition at 275 Lake Road. Tell us again what you want to do.

MS. PERAINO: This is an extension put on about 30 years ago in the back, it doesn't interfere with anything, it's a laundry room, bathroom and deck but it's--

MR. KANE: So the addition we're looking at is about approximately 30 years old?

MS. PERAINO: Yes.

MR. KANE: Cutting down any trees?

MS. PERAINO: No.

MR. KANE: Create any water hazards or runoffs?

MS. PERAINO: No.

MR. KANE: Any complaints formally or informally about it?

MS. PERAINO: No, never.

MR. KANE: The addition, with the addition on this it keeps the home similar in size and nature to other homes that are in the neighborhood?

MS. PERAINO: Yes.

MR. KANE: You're on town water and sewer?

MS. PERAINO: No, just sewer, we're on well.

MR. KANE: It's been about 30 years but I've got to ask the question, not over any easements?

MS. PERAINO: No.

MR. KANE: You guys have any questions at the moment?

MS. GANN: No.

MR. KANE: At this point, I'll ask if there's anybody in the audience for this particular hearing? Nobody cares. We'll close the hearing.

MS. MASON: On May 9, I mailed out 44 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer the motion to approve the request from Catherine Peraino for a 17-foot rear yard setback for an existing addition at 275 Lake Road in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

THERESA SWEENEY (05-21)

MR. KANE: Request for 45,674 minimum lot area and 10 ft. side yard setback each side for proposed single family dwelling at 693 Mt. Airy Road.

MR. KANE: Tell us what you want to do.

MS. SWEENEY: I want to build a house on that property, single family home

MR. BABCOCK: Mr. Chairman, this appears to be the last lot in the subdivision, the homes have been built fairly recent, I would say in the last three to five years

MS. SWEENEY: Yeah, last I think four years ago the last one was built.

MR. KRIEGER: How big was the subdivision approximately?

MR. BABCOCK: I think it was 13 lots total

MR. KRIEGER: All about the same size as this lot?

MR. BABCOCK: Exactly the same, this is a little shorter, it's on an angle, one lot is on an angle there.

MR. KANE: With the previous zoning regulations would they be here?

MR. BABCOCK: No.

MR. KRIEGER: This was a zoning subdivision approved by the planning board?

MR. BABCOCK: Yes, it was.

MR. KRIEGER: Pursuant to a plat?

MR. BABCOCK: Yes.

MR. KANE: Will you be cutting down any trees, substantial vegetation?

MS. SWEENEY: No, there's no trees there.

MR. KANE: Creating any water hazards or runoffs?

MS. SWEENEY: No.

MR. KANE: Going to be on town water and sewer?

MS. SWEENEY: Town sewer, well water.

MR. KANE: Won't be built over any easements on the property?

MS. SWEENEY: No.

MR. KANE: The size of the home is going to be similar to other homes that are in the neighborhood?

MS. SWEENEY: Yes.

MR. KANE: How big of a home is it going to be, do you know how many square feet?

MS. SWEENEY: Just under 2000.

MR. KANE: Any questions?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: No.

MR. KANE: I'll open the public portion of this hearing and ask if anybody's here for this particular meeting. Okay, seeing that there's nobody in the audience, Myra, how many did he have?

MS. MASON: On May 9, I mailed out 18 envelopes, had no response.

MR. KANE: No further questions, I'll accept a motion.

MS. GANN: I will offer a motion that we grant Theresa Sweeney her request for 45,674 minimum lot area and 10 foot side yard setback for each side for proposed single family dwelling at 693 Mt Airy Road in a R-3 zone.

MR. REIS: Second it.

ROLL CALL

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MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

ANGELA ODDO (05-22)

Ms. Angela Oddo appeared before the board for this proposal.

MR. KANE: Request for 5 ft. rear yard setback for existing pool deck and 17 ft. side yard setback for existing house deck and 7 ft. side yard setback and 6 ft. rear yard setback for existing shed all at 2 Mitchell Lane. Tell us what you want do.

MS. ODDO: Just requesting variances on the two decks and the shed.

MR. KANE: How long has the, let's do the shed first, how long has the shed been up?

MS. ODDO: Shed was existing, I bought the house 12 years ago.

MR. KANE: It was existing?

MS. ODDO: Yes.

MR. KANE: To your knowledge, any cutting down of substantial shrubbery, vegetation, create any water hazards or runoffs?

MS. ODDO: No.

MR. KANE: Any complaints formally or informally about the shed?

MS. ODDO: No.

MR. KANE: Shed similar in size and nature to other sheds that are in your neighborhood?

MS. ODDO: Yes.

MR. KANE: And obviously it would create a financial hardship to move the shed?

MS. ODDO: Yes.

MR. KANE: Rear yard setback for existing pool deck, okay, pool deck, how long has that been up?

MS. ODDO: Five years.

MR. KANE: Do you understand that if the zoning is approved that you still have to meet all of the building department's requirements on that deck?

MS. ODDO: Yes.

MR. KANE: Self-closing, self-latching gates?

MS. ODDO: Right.

MR. KANE: Any complaints about the pool deck whatsoever formally or informally?

MS. ODDO: No.

MR. KANE: Are you on town water and sewer?

MS. ODDO: Yes.

MR. KANE: Any other questions?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: No.

MR. KANE: I will have to ask if there's anybody in the audience for this particular hearing? Nobody. Myra, how many mailings did we have?

MS. MASON: On May 9, I mailed out 73 envelopes and had no response.

MR. KANE: Seven-foot side yard setback and existing shed and a 17-foot side yard setback for the existing house deck, house deck, how long has that been up?

MS. ODDO: Since I bought the house.

MR. KANE: So it's about how old?

MS. ODDO: I've owned the house 12 years.

MR. KANE: Anything on record on that deck?

MR. BABCOCK: No, zero.

MS. ODDO: I don't know how that got by.



MR. KANE: Again, same with the pool deck, the other deck will have to meet any requirements that the building department has to bring it up to code even if you are approved right here.

MS. ODDO: Yes.

MR. REIS: What prompts you to come to the board to get these squared away?

MS. ODDO: I'm selling my home.

MR. KANE: That's all.

MS. ODDO: When do think they'll inspect to see if it's up to code?

MR. KANE: Depending on if it's passed, you'll read the directions for the next step, get in touch with the building department, they'll tell you if it's okay and tell you whatever repairs you have to make.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a recommendation that we grant Angelo Oddo her requested variances for a five foot rear yard setback for existing pool deck, 17-foot side yard setback for existing house deck and seven-foot side yard setback and six-foot rear yard setback for existing shed at 2 Mitchell Lane.

MS. GANN: I'll second the motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

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RUSSELL & MARGARET KAVANA (05-18)

Mr. and Mrs. Russell Kavana appeared before the board for this proposal.

MR. KANE: Request to permit 6 ft. fence to be located between the house and the street at 7 Provost Drive.

MR. KANE: How you doing? Tell us what you want to do.

MR. KAVANA: I want to put a fence up for reasons of privacy, we have a pool up, three young children, dog and just safety wise, you know, with the pool, my children and other children.

MR. KANE: Mike, they're here because I'm looking, the stockade fencing is going to extend passed the front of the home?

MR. BABCOCK: That's correct, not what they think is the front of the home.

MRS. KAVANA: We were surprised to find out we had two front yards.

MR. KRIEGER: House is on the corner lot, it appears to have two side yards visually legally speaking has two front yards?

MR. BABCOCK: That's correct.

MR. KANE: Gentleman here before had three front yards. The six-foot fence again is privacy safety for your pool?

MR. KAVANA: Right.

MR. KANE: Will the fence block any driver's vision coming down the street?

MR. KAVANA: No.

MR. KANE: Fence is going to come out here on this side?

MR. KAVANA: No, it's over here.

MR. KANE: So from here on this street pulling up to this corner that fence right on that corner is not going to interfere with the line of site of any

drivers?

MR. KAVANA: No.

MR. KANE: Won't be cutting down any trees or substantial vegetation?

MR. KAVANA: No.

MR. KANE: Creating any water hazards?

MR. KAVANA: No.

MR. KANE: Fence itself is going to be a stockade?

MR. KAVANA: Cedar dog ear.

MR. KANE: And that's similar to other fences that are in your neighborhood?

MR. KAVANA: Yes.

MR. KANE: At this point, I'll open it up to the public and ask if anybody's here? You guys here for this meeting? No? Okay, at this point, I'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On May 9, I mailed out 51 envelopes and had no response.

MR. KANE: Any further questions from the board?

MS. GANN: No.

MR. REIS: Little corner piece the post and rail that's coming out?

MR. KAVANA: Yes.

MR. REIS: Thank you. Accept a motion?

MR. KANE: I will.

MR. REIS: I make a motion that we grant Russell and Margaret Kavana a requested variance to permit a six-foot fence to be located between the house and the street at 7 Provost Drive.

MS. GANN: I'll second the motion.

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ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. BROWN	AYE
MR. KANE	AYE

MR. KANE: You're all set, follow those directions right there. Thank you very much.

MICHAEL MIELE (05-16)

Mr. Michael Miele appeared before the board for this proposal.

MR. KANE: Request for 41,411 s.f. minimum lot area, 22 ft. and 8 ft. side yard setback and 75 ft. lot width, 30 ft. total side yard for proposed single family home at 46 Riley Road. Tell us what you want to do, sir

MR. MIELE: We're looking to obtain the four variances mentioned to construct a single family residence, it was an approved lot back I think less than five years ago before zoning changed and I live right next door as you're on Riley on the right and it's a single family dwelling for my father relocating up from Tuxedo, it met all the zoning then but since zoning changed it's an existing non-conforming lot now, my father and mother, I'm sorry.

MR. KANE: What size home are you thinking of putting up?

MR. MIELE: It's a 46 by 20, it's a modular.

MR. KANE: Square foot.

MR. MIELE: Probably even less, very standard so what's been there, I'm in a two family right next door and this is a single family.

MR. KANE: So similar in size and nature to other homes in the neighborhood?

MR. MIELE: Absolutely.

MR. KANE: Cutting down any trees?

MR. MIELE: Besides what's required to build the home that's it.

MR. KANE: Creating any water hazards or runoffs?

MR. MIELE: No.

MR. KANE: Going to be on town sewer and water?

MR. MIELE: Yes.

MR. KANE: And the home is not going to be over, can

you, Mike, what's the square in the middle of that?

MR. MIELE: It's, if you put on the side yards, it's a side setback as per the old zoning.

MR. KRIEGER: Building envelope.

MR. KANE: Thank you.

MR. KANE: At this point, I will ask you if you want to say anything? So let the record show there's nobody left in the audience but the applicant and we'll close the public portion of the hearing and ask Myra about the mailings.

MS. MASON: On May 9, I mailed out 51 envelopes and had no response.

MR. KANE: Nobody showed up either last time, new homes out that way people are very concerned with property but you're not on a well that usually brings them right out.

MR. MIELE: My house was on well and they have since extended the water down.

MR. KANE: I have no further questions. Anybody else on the board?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: Make a motion that we grant Mike Miele his requested variance for 44,411 square foot minimum lot area, 22 foot and 8 foot side yard setbacks and 75 foot lot width and 30-foot total side yard for a proposed single family home at 46 Riley Road.

MS. GANN: Second the motion

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE

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MR. BROWN                    AYE  
MR. KANE                    AYE

MR. MIELE:    Thank you everyone.

MR. KANE:    Have a good evening.

MR. REIS:    Motion to adjourn.

MS. GANN:    Second it.

ROLL CALL

MS. LOCEY                    AYE  
MS. GANN                    AYE  
MR. REIS                    AYE  
MR. BROWN                   AYE  
MR. KANE                    AYE

RESPECTFULLY SUBMITTED BY:

  
FRANCES ROTH  
STENOGRAPHER

5/25/05